

Program B: Civil Law

Program Authorization: General: La. Constitution, Article IV, Section 8; R.S. 36:701(D); R.S.36:704(D) (Civil Division); R.S. 36:704(C) (Public Protection Division).

Program Description

The mission of the Civil Law Program is to serve the citizens of the State of Louisiana through courteous and competent employees; and to provide superior legal representation and prompt and accurate legal advice and information on behalf of the State of Louisiana and to all clients of the program in the general areas of civil law and public protection.

The goal of the Civil Law Program is to provide superior legal services and public protection services on behalf of the State of Louisiana through the Civil Division and the Public Protection Division.

The Civil Program includes two activities (expressed as organizational divisions): the Civil Division and the Public Protection Division. The Civil Division defends the constitution and laws of the State of Louisiana and provides information and legal services in the areas of government law, collection law, land and natural resources law, and public finance and contract law. The Civil Division is composed of the Governmental Litigation Section, the Collections Section, the Lands and Natural Resources Section, and the Public Finance and Contracts Section.

- The Governmental Litigation Section defends the state in constitutional challenges to state laws and defends state agencies and elected officials in civil claims where torts are not involved. The work of this section includes state and federal litigation, drafting legal opinions to local and state officials and entities, legal representation of boards and commissions, legal advice and management of the tobacco settlement, and of the legal advice and education to the state's justices of the peace and constables. Examples of this section's litigation include the defense of legislative districts from reapportionment, defense of the state's abortion laws, defense of the state's insurance laws (such as impoundment and "no pay/no play"), and assistance to other sections and programs of the department (such as the video poker parish election litigation). Legal opinions written by this section cover a broad spectrum of questions, from open meetings, public records, dual office holding, compliance with state law, to local municipal law and elections. This section is also responsible for submission of state laws to the U.S. Department of Justice for administrative approval under Section 5 of the Voting Rights Act.

- The Collections Section provides legal representation to 16 of Louisiana's public colleges and universities, the State Department of Education, the Board of Regents, and the Office of Student Financial Assistance in the collection and litigation of defaulted educational loan/benefits. The work of this section includes over 15,000 accounts valued in excess of \$33.9 million, which are currently placed for collection. This section relies upon self-generated revenues for its operation.

- The Lands and Natural Resources Section advises and renders legal support to state agencies, levee boards, commissions, and other political subdivisions pertaining to lands, water bottoms, boundaries, accretion and erosion, oil and gas, public rights of use and access, sale and acquisition of lands expenditure of public funds, and related activities. It defends the title of the state in its political subdivisions to land and water bottoms and safeguards the interests of the state in lands and mineral transactions involving publicly owned lands and water bottoms. The work involves the defense of claims and actions to protect public property valuable to the state for oil, gas, mineral production, and recreational purposes, including boundary claims related to both river action and accretion and related oil and gas production. Another function of the section is the recovery of claims against oil and gas leases for improper payment or underpayment of royalties from production due on state leases, such as the litigation against Texaco.

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- The Public Finance and Contracts Section enables attorneys in the Office of the Attorney General to specialize and provide competent, professional representation on public finance matters to statewide elected officials (such as the Treasurer) as well as other state boards and commissions (including the State Bond Commission, the Louisiana Housing Finance Authority, the Architects Selection Board, the Engineers Selection Board, and the Office Facilities Corporation.) The work of this section includes preparation or review of all legal documents required for issuance of state general obligation bonds, review of revenue bond issues of the state (including issues of the Transportation Trust Fund and the Office Facilities Corporation), provision of legal counsel to the State Bond Commission and legal assistance to the Division of Administration in connection with acquisition of real estate and annual capital outlay bills. Opinions rendered by this section center around areas of taxation, public finance, public bid law, and contracts. This section also prepared legal services contracts and representation agreements on behalf of the Department of Justice, approves professional legal services contracts entered into by state agencies, boards and commissions, and approves the employment of special counsel by political subdivisions.

The Public Protection Division asserts and protects the State of Louisiana's interests by providing legal services in the general areas of consumer protection/environmental law, insurance receivership law, and fair housing law. The Public Protection Division is composed of the Consumer Protection/Environmental Section, the Insurance and Securities Section, and the Equal Opportunity Section.

- The Consumer Protection/Environment Section has the responsibilities of enforcing consumer protection laws in Louisiana and serving as a public trustee in connection with conserving, protecting, and replenishing Louisiana's natural resources. In the consumer protection area, this section was granted authority under Louisiana's Unfair Trade Practice Act (R.S. 51:1401 et seq.) to conduct investigations as necessary when the Office of the Attorney General has reason to believe that an unfair or deceptive trade practice has taken place, is taking place, or is about to take place. In connection with this authority, has investigated mail order schemes in violation of U.S. postal inspection regulations, and the section has joined with local officials in the investigation of several chain distribution schemes. The section has also successfully litigated several registration enforcement cases. The section conducts consumer awareness seminars throughout the state on subjects such as, shoplifting, fraud, theft, and other deceptive trade practices. An important focus of the section is mediation and investigation of consumer complaints and inquiries. This section is also charged with the enforcement of antitrust and related laws relative to the regulation of trade and commerce. This includes, but is not limited to, the protection of the welfare of small business interests and the interests of any persons injured by antitrust violations and conspiracies in restraint of trade and other patterns of organized business extortion and theft.

- In the environmental area, this section assists the attorney general in the discharge of his duties under the Environmental Quality Act and in connection with the constitutional responsibility and power of the attorney general as chief legal officer of the state to institute, prosecute, or intervene in any civil action in order to assert or protect a state natural resource interest. The section prepares opinions, analyzes legislation, and advises officials and employees of the Departments of Natural Resources, Environmental Quality, Public Safety and Corrections, Wildlife and Fisheries, Culture, Recreation and Tourism, and Agriculture and Forestry; and the U.S. Corps of Engineers. Staff personnel attend hearings throughout the state and visit problem sites and meet with representatives of both government and industry to seek resolution of environmental problems. Staff personnel also respond to inquiries and complaints from citizens and coordinate these with governmental action and appropriate agencies. (This section has played a prominent role in administrative litigation involving shell dredging; defense of key environmental legislation requiring limitations on land disposal of hazardous waste in a municipal landfill near Monroe; attempts to force the federal government to comply with state coastal zone regulations in connection with offshore leasing by the U.S. Department of the Interior; and numerous administrative enforcement actions involving assessed penalties against environmental violators in Louisiana.)

- The Insurance and Securities Section has direct involvement in and primary knowledge of every insurance liquidation in Louisiana. This section performs legal work, supervises contract counsel, and works with the Department of Insurance. Staff personnel conduct research in insolvency cases and maintain a proactive position in the area of insurance litigation. This section reviews legal bills of contract attorneys, incorporates terms of engagements and development with contract attorneys and the Department of Insurance case management plans for each liquidation. The section relies totally upon self-generated revenues for its operation.

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- The Auto Fraud Section mediates complaints consumers have with car dealers in the State of Louisiana, assures the delivery of title and registration of motor vehicles, advises consumers of their rights concerning automobile issues, and investigates and mediates the packing of auto sale contracts. The section coordinates efforts with state and federal agencies to combat odometer fraud, investigates and assists the state in remittance of sales tax money due the state, and also establishes programs to educate consumers of the different frauds involved in the sale of automobiles.
- The Equal Opportunity Section is responsible for the administration and enforcement of the Louisiana Equal Housing Opportunity Act. This section is active in investigations, conciliations, and judicial enforcement of fair housing claims. Staff personnel cooperate with the federal government in the enforcement of statutes prohibiting discrimination in public accommodation based on an individual's race, color, national origin, religion, sex, handicap, or familial status. The section also provides information to Louisiana citizens on their rights regarding the renting and/or purchase of dwellings under the Louisiana Equal Housing Opportunity Act and the federal Fair Housing Act.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 2000-2001	ACT 12 2001-2002	EXISTING 2001-2002	CONTINUATION 2002-2003	RECOMMENDED 2002-2003	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$4,678,599	\$4,672,781	\$4,838,837	\$4,905,275	\$4,556,928	(\$281,909)
STATE GENERAL FUND BY:						
Interagency Transfers	557,068	783,243	783,243	718,019	684,098	(99,145)
Fees & Self-gen. Revenues	1,224,545	4,873,378	4,948,378	4,923,086	4,972,400	24,022
Statutory Dedications	278,792	357,247	357,247	393,576	342,074	(15,173)
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	235,786	292,001	325,981	306,533	292,598	(33,383)
TOTAL MEANS OF FINANCING	\$6,974,790	\$10,978,650	\$11,253,686	\$11,246,489	\$10,848,098	(\$405,588)
EXPENDITURES & REQUEST:						
Salaries	\$3,876,669	\$3,798,219	\$4,065,183	\$4,152,835	\$3,984,985	(\$80,198)
Other Compensation	357,714	365,253	365,253	365,253	365,253	0
Related Benefits	716,420	837,753	835,970	926,314	956,557	120,587
Total Operating Expenses	836,042	803,411	967,485	960,070	766,312	(201,173)
Professional Services	679,412	1,083,071	1,156,112	915,055	915,055	(241,057)
Total Other Charges	346,131	3,879,809	3,688,047	3,688,047	3,701,829	13,782
Total Acq. & Major Repairs	162,402	211,134	175,636	238,915	158,107	(17,529)
TOTAL EXPENDITURES AND REQUEST	\$6,974,790	\$10,978,650	\$11,253,686	\$11,246,489	\$10,848,098	(\$405,588)
AUTHORIZED FULL-TIME						
EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	97	102	102	102	102	0
TOTAL	97	102	102	102	102	0

SOURCE OF FUNDING

This program is funded from the State General Fund, Interagency Transfers, Fees and Self-generated Revenues, Statutory Dedications and Federal Funds. Fees and Self-generated Revenues are derived from fees charged for the collection of delinquent student loans. Interagency Transfers are derived from various state agencies for legal services. Statutory Dedications are derived from the Louisiana Fund for legal services related to the Tobacco Settlement Litigation and the Deficit Elimination Fund per Act 1182 of 2001 Regular Session. Federal Funds are derived from the Department of Housing and Urban Development for the Administration and Enforcement of the Louisiana open housing law. (Per R.S. 39.36B. (8), see table below for a listing of expenditures out of each Statutory Dedicated Fund.)

	ACTUAL	ACT 12	EXISTING	CONTINUATION	RECOMMENDED	RECOMMENDED
	2000-2001	2001-2002	2001-2002	2002-2003	2002-2003	OVER/(UNDER)
						EXISTING
Louisiana Fund	\$278,792	\$357,247	\$357,247	\$374,942	\$342,074	(\$15,173)
Deficit Elimination Fund	\$0	\$0	\$0	\$18,634	\$0	\$0

MAJOR FINANCIAL CHANGES

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$4,672,781	\$10,978,650	102	ACT 12 FISCAL YEAR 2001-2002
			BA-7 TRANSACTIONS:
\$166,056	\$275,036	0	Carry forward of miscellaneous operating expenses
\$4,838,837	\$11,253,686	102	EXISTING OPERATING BUDGET - December 20, 2001
\$108,480	\$191,325	0	Unclassified State Employees Merit Increases for FY 2002-2003
\$1,846	\$1,846	0	Risk Management Adjustment
\$57,542	\$158,107	0	Acquisitions & Major Repairs
(\$75,071)	(\$175,636)	0	Non-Recurring Acquisitions & Major Repairs
(\$166,057)	(\$275,037)	0	Non-Recurring Carry Forwards
(\$23,060)	(\$41,251)	0	Salary Base Adjustment
(\$108,969)	(\$192,188)	0	Attrition Adjustment
\$0	\$85,940	0	Group Insurance Adjustment
(\$124,800)	(\$124,800)	0	Other Non-Recurring Adjustments - FY 01-02 additional funding for the Community Living Ombudsman Program
\$39,041	\$44,118	0	Other Adjustments - Rate increase in building rental rates at One American Place due to new management
\$0	(\$94,489)	0	Other Adjustments - Modification of IAT charges due to changes in IAT agreements
\$9,139	\$16,477	0	Other Adjustments - Funding to State Police for Capitol Park Security
\$4,556,928	\$10,848,098	102	TOTAL RECOMMENDED
\$0	\$0	0	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$4,556,928	\$10,848,098	102	BASE EXECUTIVE BUDGET FISCAL YEAR 2002-2003
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$4,556,928	\$10,848,098	102	GRAND TOTAL RECOMMENDED

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PROFESSIONAL SERVICES

\$50,000	Shell Offshore, Inc. Vs. State of LA. (Bloch, Briggs, & Assoc., Baton Rouge)
\$300,000	Shell Offshore, Inc. Vs. State of LA. (Phelps Dunbar, New Orleans)
\$5,000	Hearings between Teachers and Board of Education (Decuir & Clark, Baton Rouge)
\$8,000	Trademark and copyright issues between McNeese University and the University of Wyoming (Roy, Kiesel & Tucker, Baton Rouge)
\$10,000	Provide courtroom graphic analysis in case of Shell Offshore, Inc. Vs. State of LA (Courtroom Graphics, New Orleans)
\$146,000	Shell Offshore, Inc. Vs. State of LA. (Andrew Thomas, New Orleans)
\$30,000	PC based collection system development (Joe Sherrill, Luling, LA.)
\$50,000	Shell Offshore, Inc. Vs. State of LA. (Silva and Simpson, Houston, TX.)
\$120,000	Shell Offshore, Inc. Vs. State of LA. (Hoise, Frost, Lange, McArthur, San Francisco, CA.)
\$10,000	Legal services in connection with employees and officers of the Office of the Governor (P. Raymond Lamonica, Baton Rouge)
\$60,000	Review of legal issues relating to non-profit hospitals (Allen & Gooch, Lafayette)
\$20,000	Expert testimony based on financial analysis relating to non-profit hospitals (Chris Rainey, Lafayette)
\$20,000	Shell Offshore, Inc. Vs. State of LA. (Jack Dutton, Dobbins, TX)
\$50,000	Shell Offshore, Inc. Vs. State of LA. (Foster Associates, Bethesda, MD)
\$15,000	Shell Offshore, Inc. Vs. State of LA. (Robert P. Broussard, Houston, TX)
\$21,055	Additional legal consulting to be determined, as necessary to carry out the mission of the Department
\$915,055	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$250,000	Reimbursements for review of sales of Non-profit Hospitals
\$18,992	To be used for taking depositions, utilization for court reports, travel of witnesses, court costs, etc.
\$294,255	Advocacy Center for the Elderly (Ombudsman)
\$3,000,000	Collection process for Department of Revenue and Taxation
\$3,563,247	SUB-TOTAL OTHER CHARGES
Interagency Transfers:	
\$30,450	Office of Risk Management fees
\$91,655	Office of Telecommunication Management fees
\$16,477	Capitol Park Security fees
\$138,582	SUB-TOTAL INTERAGENCY TRANSFERS
\$3,701,829	TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$50,542	Library Reference Materials
\$86,565	Replacement of various Office equipment and data processing equipment
\$21,000	Replacement of one high mileage vehicle
\$158,107	TOTAL ACQUISITIONS AND MAJOR REPAIRS